

Docket No. DELME-P2739

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Dan W.C. Delmer

Serial No.: 09/904,975

Art Unit: 3679

Filed: July 12, 2001

Examiner: Aaron M. Dunwoody

For: PIPE COUPLING

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

STATUS INQUIRY

Sir:

Applicant respectfully request notification as to the status of the above-identified application. As reflected in the record, the application is on appeal and has been granted special expedited status, pursuant to Applicant's Petition to Make Special based on Applicant's poor health.

Preliminarily, Applicant notes that, despite the comments below, Applicant and his undersigned attorney hold Supervisor Dan Stodola in very high regard. Supervisor Stodola has exhibited notable professionalism and competence in handling this matter, but nevertheless the reality is as reflected in the record and as described below, and necessitates this filing.

Certificate of Transmission

I hereby certify that this correspondence is being filed electronically via EFS with the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on the date indicated below.
/J. Mark Holland/

J. Mark Holland, Reg. No. 32,416

November 23, 2010

DATE

With all due respect, the PTO's delay on this case has been outrageous, and is doubly so in view of the "expedited" status that the PTO granted. While Applicant has been attempting to recover from multiple cancer surgeries, chemotherapy, and other treatments, the PTO has taken NO substantive action for nearly a YEAR AND A HALF.

Applicant filed his original Appeal Brief on June 3, 2009. Applicant filed his Petition to Make Special eight days later, on June 11, 2009. Three months after the filing, the PTO issued a Notice of Defective Appeal (without addressing the merits of the appeal), but subsequently (some 14 months later) reversed its decision and admitted that there was NO defect in Applicant's June 2009 Appeal.

After some similar complaints about filing informalities, the PTO granted Applicant's Petition to Make Special on October 19, 2009.

It is now November 23, 2010. In the nearly 18 months since Applicant filed his Appeal Brief, and in the 13 months since the PTO granted expedited status to this application because of Applicant's pending fight against cancer, the PTO has reported NO substantive action on the case.

Over those many months, Applicant's attorney has continually monitored the application's status on the PTO's online PAIR service, and has repeatedly called and written and talked with the Examiner and/or Supervisor Stodola to try to determine the application's status. In several discussions with Supervisor Stodola, Mr. Stodola indicated that the Appeal review panel had instructed the Examiner to either (1) find better art to support a rejection or (2) allow Applicant's claims.

The first time that Supervisor Stodola advised of the review panel's instructions to the Examiner was several months ago. Since that time, Applicant has continued to monitor the PTO's online service and has periodically attempted and had further telephone communication with the supervisor. Despite those numerous efforts, no substantive PTO action has been forthcoming.

The most recent of those telephone conferences was on November 10, 2010. In that conference, the Supervisor again indicated that he would follow-up with the Examiner regarding the application's status, and indicated that Applicant should expect to receive a status update from the Examiner and/or an official PTO communication by the beginning of the following week (by November 16/17, 2010). Having not received any such update, Applicant's attorney has left multiple voicemail messages requesting a status update and has not heard back from the PTO. Accordingly, Applicant is filing this formal Status Inquiry.

Accordingly, Applicant respectfully requests immediate notification as to the status of the above-referenced application.

Respectfully submitted,

Date: November 23, 2010

/J. Mark Holland/
J. Mark Holland
Reg. No. 32,416
Alison L. Vass
Reg. No. 63,078
J. Mark Holland & Associates,
a Professional Law Corporation
3 San Joaquin Plaza, Suite 210
Newport Beach, California 92660
Telephone: 949-718-6750
PTO Customer Number 21,259